

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number _____

Env-Ws 904

1. Agency Name & Address:

NH Department of Environmental Services
Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

2. RSA Authority:

RSA 485-A:6

3. Federal Authority:

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X

5. Short Title: Standards for the Pretreatment of Industrial Wastewater

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules implement RSA 485-A:4, XV and RSA 485-A:5 by establishing pretreatment standards to which wastes must conform before being discharged into the collection system or sewage treatment facility ("WWTF") of a municipality or other governmental entity. The amendments are intended to clarify the existing provisions, officially adopt existing policies relative to discharge permit content, and specify how government entities can comply with RSA 485-A:5, III relative to not allowing discharge of certain wastes.

6. (b) Brief description of the groups affected:

The rule affects industrial waste dischargers and the municipalities having the collection and treatment facilities to which they discharge.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Env-Ws 904 RSA 485-A:4, XV and RSA 485-A:5

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: George Carlson

Title: Supervisor, Industrial Pretreatment Program

Address: NH Department of Environmental Services
Water Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095

Phone #: 271-2052

Fax#: 271-4128

E-mail: gcarlson@des.state.nh.us

TTY/TDD Access: Relay NH 1-800-735-
2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, December 27, 2004**☒ Fax☒ E-mail☐ Other format (specify):

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9. Public hearing scheduled for:

Date and Time: **Tuesday, December 14, 2004, 9:00 a.m. to Noon**

Place: **Room 112, NH Dept. of Environmental Services, 29 Hazen Drive,
Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:217, dated October 29, 2004

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not violate Part I, Article 28-a of the N.H. Constitution because:

- (1) The proposed rules readopt the existing rules with amendments that are designed to ensure compliance with long-standing statutory requirements;
- (2) Any costs that may be incurred by political subdivisions are recoverable by increased fees to the industries to which the rules apply;
- (3) The programs required and established by this rule, including the funding therefore, must be approved and adopted by a vote of the local legislative body; and
- (4) EPA already has required 13 of the New Hampshire municipalities that are subject to these rules to have approved and delegated industrial pretreatment programs, so those municipalities already are required to have a sewer use ordinance and industry permitting as included in these rules.